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**DEPARTMENT OF JUSTICE**

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July 16, 2024

VIA CM/ECF

Molly Dwyer, Clerk of Court  
Office of the Clerk  
U.S. Court of Appeals for the Ninth Circuit  
P.O. Box 193939  
San Francisco, CA 94119-3939

RE: *Duncan, et al. v. Bonta*, No. 23-55805  
Citation of Supplemental Authority

Dear Ms. Dwyer:

Appellant writes to notify the Court of a development in *Delaware State Sportsmen's Association v. Delaware Department of Safety & Homeland Security*, a case involving a Second Amendment challenge to Delaware's laws restricting assault weapons and magazines holding more than seventeen rounds. The district court denied a preliminary injunction, *see* \_\_\_ F. Supp. 3d \_\_\_, 2023 WL 2655150 (D. Del. Mar. 27, 2023), and Appellant cited that order in his merits briefs in this appeal, *see* OB 33, 40-42, 47-48, 51; Reply 24. This week, the Third Circuit affirmed the district court's order. *See* Nos. 23-1633, 23-1634 & 23-1641, \_\_\_ F.4th \_\_\_, 2024 WL 3406290 (3d Cir. July 15, 2024). The Third Circuit "express[ed] no view of the merits." *Id.* at \*9; *but see id.* at \*9-17 (Judge Roth's concurrence, explaining why plaintiffs are unlikely to succeed on the merits). With respect to the remaining considerations, the Third Circuit concluded that "the [district] court properly found no irreparable harm" and that "the final two factors support denying a preliminary injunction as well." *Id.* at \*8.

Sincerely,

/s/ Mica L. Moore

MICA MOORE  
Deputy Solicitor General

For ROB BONTA  
Attorney General

cc: All Counsel of Record (via CM/ECF)